

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

JESUS ANGEL BASURTO, RIGOBERTO  
SEBASTIAN RIVERA, MARIO ESCOBAR  
SOSA, JOSE JAIME REYES PATRICIO, and  
ISIDRO MENDOZA, *individually and on  
behalf of others similarly situated,*

**18-cv-8858**

*Plaintiffs,*

**PLAINTIFFS' NOTICE OF  
ACCEPTANCE OF OFFER OF  
JUDGMENT**

-against-

EDA FOOD INC. (D/B/A MUGHLAI  
INDIAN CUISINE), KARENA FOODS INC.  
(D/B/A MUGHLAI INDIAN CUISINE), and  
GARY TULSIANI,

*Defendants.*

-----X

To:

Eunon Jason Mizrahi  
Levin-Epstein & Associates, P.C.  
60 East 42nd Street  
Suite 4700  
New York, NY 10165  
212-792-0048  
Fax: 646-786-3170  
Email: [jason@levinepstein.com](mailto:jason@levinepstein.com)  
ATTORNEY TO BE NOTICED

Joshua Levin-Epstein  
Levin-Epstein & Associates, P.C.  
60 East 42nd Street  
Suite 4700  
New York, NY 10165  
212-792-0046  
Fax: 646-786-3170  
Email: [Joshua@levinepstein.com](mailto:Joshua@levinepstein.com)  
*Attorneys for Defendants*

PLEASE TAKE NOTICE that Plaintiff JESUS ANGEL BASURTO, RIGOBERTO SEBASTIAN RIVERA, MARIO ESCOBAR SOSA, JOSE JAIME REYES PATRICIO, and ISIDRO MENDOZA, hereby accepts the offer of judgment made by Defendants EDA FOOD INC. (D/B/A MUGHLAI INDIAN CUISINE), KARENA FOODS INC. (D/B/A MUGHLAI INDIAN CUISINE), and GARY TULSIANI, pursuant to Rule 68 of the Federal Rules of Civil Procedure, dated 4/5/21. A true copy of the offer of judgment is annexed hereto as Exhibit A.

Dated: April 5, 2021

MICHAEL FAILLACE & ASSOCIATES, P.C.

By: 

Gennadiy Naydenskiy  
60 East 42nd Street, Suite 4510  
New York, New York 10165  
Telephone: (212) 317-1200  
Facsimile: (212) 317-1620  
*Attorneys for Plaintiff*

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
JESUS ANGEL BASURTO, RIGOBERTO  
SEBASTIAN RIVERA, MARIO ESCOBAR  
SOSA, JOSE JAIME REYES PATRICIO, and  
ISIDRO MENDOZA, individually and on  
behalf of others similarly situated,

*Plaintiff,*

*-against-*

EDA FOOD INC. (D/B/A MUGHLAI  
INDIAN CUISINE), KARENA FOODS INC.  
(D/B/A MUGHLAI INDIAN CUISINE), and  
GARY TULSIANI,

*Defendants.*

-----X

Case No.: 1:18-cv-08858

**OFFER OF  
JUDGMENT  
PURSUANT TO  
FED.R.CIV.P. 68**

TO: Gennadiy Naydenskiy, Esq.  
Michael & Faillace & Associates, P.C.  
60 East 42<sup>nd</sup> Street, Suite 4510  
New York, NY 10165  
Email: [gnaydenskiy@faillacelaw.com](mailto:gnaydenskiy@faillacelaw.com)

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendants Eda Food Inc., Karena Foods Inc. and Gary Tulsiani (collectively, the “Defendants”), hereby make this offer of judgment in favor of Plaintiffs Jesus Angel Basurto, Rigoberto Sebastian Rivera, Mario Escobar Sosa, Jose Jaime Reyes Patricio, and Isidro Mendoza (collectively, the “Plaintiffs”) and against Defendants in the above-captioned action in the total sum of One Hundred and Thirty Thousand Dollars and No Cents (\$130,000.00), payable as follows:

1. An initial installment payment of Three Thousand Six Hundred Eleven Dollars and Eleven Cents (\$3,611.11), payable fourteen (14) days following the Court’s Entry and Order of this Offer of Judgment;
2. Thirty-Five (35) consecutive monthly installment payments of Three Thousand Six Hundred Eleven Dollars and Eleven Cents (\$3,611.11), commencing on or before thirty (30) days following the due date of the first installment payment contemplated above, and continuing on or before the last day of each subsequent calendar month thereafter.

The total sum of One Hundred and Thirty Thousand Dollars and No Cents (\$130,000.00) is inclusive of reasonable attorney's fees, costs, and expenses to date of this offer, in full and final settlement of all of Plaintiffs' claims against Defendants arising out, alleged in, or related to, the facts and transactions alleged in the above-captioned action.

This judgment shall be in full satisfaction of all federal and state law claims or rights that Plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of Defendants or any owner, employee, or agent, either past or present, of the Defendants, or in connection with the facts and circumstances that are the subject of this action.

This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by any of the Defendants, or any owner, employee, representative, or agent of any of the Defendants.

Acceptance of this offer of judgment will act to release and discharge Defendants, their respective successors or assigns, as well as all past and present owners, employees, representatives, and agents of the Defendants, in their respective capacity as such, from any and all claims that were or could have been alleged by Plaintiff in the above-referenced action. Acceptance of this offer of judgment also will operate to waive Plaintiff's rights to any claim for interest on the amount of the judgment.

In order for Plaintiff to accept this offer, Plaintiff must serve written notice of acceptance upon Defendants within fourteen (14) days after service of this Offer of Judgment. An offer not accepted within the specified period for acceptance will be deemed withdrawn.

Date: March 26, 2021

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi

Jason Mizrahi, Esq.  
60 East 42<sup>nd</sup> Street, Suite 4700  
New York, New York 10165  
Telephone: (212) 792-0048  
Email: [Jason@levinepstein.com](mailto:Jason@levinepstein.com)  
*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

JESUS ANGEL BASURTO, RIGOBERTO  
SEBASTIAN RIVERA, MARIO ESCOBAR  
SOSA, JOSE JAIME REYES PATRICIO, and  
ISIDRO MENDOZA, *individually and on  
behalf of others similarly situated,*

**18-cv-08858-AJN**

*Plaintiffs,*

**AFFIDAVIT OF  
SERVICE**

-against-

EDA FOOD INC. (D/B/A MUGHLAI  
INDIAN CUISINE), KARENA FOODS INC.  
(D/B/A MUGHLAI INDIAN CUISINE), and  
GARY TULSIANI,

*Defendants.*

-----X

GENNADIY NAYDENSKIY, being duly sworn, deposes and says:

Deponent is not a party to this action and is over the age of eighteen years and resides in the State of New Jersey.

On April 5, 2021, I emailed the Plaintiff's Notice of Acceptance of Offer of Judgment; to Defense counsel Eunon Jason Mizrahi, Esq. and Joshua Levin-Epstein, Esq. to:

Eunon Jason Mizrahi  
Levin-Epstein & Associates, P.C.  
60 East 42nd Street  
Suite 4700  
New York, NY 10165  
212-792-0048  
Fax: 646-786-3170  
Email: jason@levinepstein.com

Joshua Levin-Epstein  
Levin-Epstein & Associates, P.C.  
60 East 42nd Street  
Suite 4700  
New York, NY 10165  
212-792-0046  
Fax: 646-786-3170  
Email: Joshua@levinepstein.com  
*Attorneys for Defendants*

s/

\_\_\_\_\_  
GENNADIY NAYDENSKIY